

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

GARY SILVERS and RICHARD MAROUS,
*on behalf of themselves and all others similarly
situated,*

Plaintiffs,

v.

HCA HEALTHCARE, INC., a Tennessee corporation,

Defendant.

Case No. 3:23-cv-00684

**PLAINTIFFS' MOTION TO CONSOLIDATE ACTIONS, SET SCHEDULE FOR
APPOINTMENT OF INTERIM CO-LEAD COUNSEL AND FOR FILING
CONSOLIDATED CLASS ACTION COMPLAINT**

For the reasons set forth in the accompanying Memorandum of Law, Plaintiffs in the above-captioned action respectfully request that the Court: (1) pursuant to Fed. R. Civ. P. 42(a), consolidate the related actions set forth in *Exhibit A* ("Related Actions"), as well as any other future actions filed against Defendant in connection with Defendant's data breach announced on July 10, 2023, under the new case style: "*In re HCA Healthcare, Inc. Data Security Litigation*"; (2) pursuant to Fed. R. Civ. P. 23(g)(3), set a deadline of 10 days from the consolidation order for all Plaintiffs in the Related Actions to agree to and submit a proposed leadership structure consisting of Interim Co-Lead Counsel, a Liaison Counsel and an Executive Committee, for the Court's approval, or in the event counsel cannot reach a consensus, a subsequent deadline of 5 additional days for submission of applications for Interim Co-Lead Class Counsel (with a page limit of 5 pages and 5 pages of attachments); (3) stay the Related Actions and require the filing of a Consolidated Class Action Complaint within 45 days of entry of an order appointing Interim Lead Counsel; and (4) set the deadline for Defendant's response to the Consolidated Class Action

Complaint as 45 days after the Consolidated Class Action Complaint is filed.

LOCAL RULE 7.1 CERTIFICATION

All plaintiffs' counsel in the Related Actions consent to the relief requested in this Motion. Although Defendant's counsel has yet to make a formal appearance in this action, Plaintiffs' Counsel advised Defendant's counsel by email of their intent to file this Motion in advance of filing, and Defendant's counsel has consented to the relief requested herein.

Dated: July 31, 2023

Respectfully submitted,

By: /s/ Jeff Ostrow
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*Counsel for Plaintiffs Silvers and Marous and the
Putative Class*

CERTIFICATE OF SERVICE

I certify that on this 31st day of July 2023, a true and correct copy of the foregoing was filed with the Clerk of Court via the Court's CM/ECF system for electronic service on all counsel of record.

I also certify that on the 31st day of July 2023, a true and correct copy of the foregoing will be sent via electronic mail to the following:

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/s/ Jeff Ostrow
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